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		Application No.	09/965,224
		Filing Date	September 27, 2001
		First Named Inventor	Richard Qian
		Art Unit	2171
		Examiner Name	Etienne Pierre Leroux
Total Number of Pages in This Submission	33	Attorney Docket Number	42390P11775

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Signature	
Date	September 7, 2004

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Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wfr) 06/04/2004.
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SEP 09 2004

FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT	(\\$) 330.00
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Complete if Known	
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FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)		(\$)			

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
		- 20** =	x	
		3 =	x	
			=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
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3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet
2053	130	2053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	420	2252	210 Extension for reply within second month
1253	950	2253	475 Extension for reply within third month
1254	1,480	2254	740 Extension for reply within fourth month
1255	2,010	2255	1,005 Extension for reply within fifth month
1404	330	2401	165 Notice of Appeal
1402	330	2402	165 Filing a brief in support of an appeal
1403	290	2403	145 Request for oral hearing
1451	1,510	2451	1,510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive - unavoidable
1453	1,330	2453	665 Petition to revive - unintentional
1501	1,330	2501	665 Utility issue fee (or reissue)
1502	480	2502	240 Design issue fee
1503	640	2503	320 Plant issue fee
1460	130	2460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	770	1809	385 Filing a submission after final rejection (37 CFR § 1.129(a))
1810	770	2810	385 For each additional invention to be examined (37 CFR § 1.129(b))
1801	770	2801	385 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
Other fee (specify)			

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SUBTOTAL (3)

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SUBMITTED BY

Complete (if applicable)

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Signature				Date	09/07/04

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 02/10/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Docket No.: 042390.P11775

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Richard Qian

Application No.: 09/965,224

Filed: 09/27/2001

For: PERSONALIZED CONTENT
DELIVERY AND MEDIA CONSUMPTION

Examiner: Etienne Pierre Leroux

Art Group: 2171

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits, in triplicate, the following Appeal Brief pursuant to 37 C.F.R. § 1.192 for consideration by the Board of Patent Appeals and Interferences. Applicant also submits herewith our check number 31368 in the amount of \$330.00 to cover the cost of filing the opening brief as required by 37 C.F.R. § 1.17(f). Please charge any additional fees or credit any overpayment to our deposit Account No. 02-2666. A duplicate copy of the Fee Transmittal is enclosed for this purpose.

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042390.P11775
App. No. 09/965,224

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I. REAL PARTY IN INTEREST

The real party in interest is the assignee, Intel Corporation.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to the appellants, the appellants' legal representative, or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-57 of the present application are pending and remain rejected. The Applicant hereby appeals the rejection of claims 1-57.

IV. STATUS OF AMENDMENTS

The Applicant filed an amendment on June 10, 2004, in response to a Final Office Action issued by the Examiner on April 7, 2004. In response to the June 10, 2004 amendment, the Examiner issued an Advisory Action on August 24, 2004. The Applicant filed a Notice of Appeal on July 7, 2004.

V. SUMMARY OF INVENTION

The present invention is a technique to receive a personalized content from a media source. The technique utilizes a unified infrastructure of network edge servers and local content servers (e.g., home servers). The personalized content is first identified, analyzes, filtered, and assembled at the edge server according to the user's personal preferences. Then, the content is distributed to and cached by the local content server. The local content server is responsible for managing the content and eventually for presenting the content to the user, or distributing further to other personal devices¹.

A home server 110 provides a user 105 a means to receive media content personalized to the user's preferences or needs. The user 105 provides his or her personal

preference information either directly, indirectly, or both. The personal preference information may include user's preferences and user's personal information. The user's preferences include contextual preferences regarding the content the user 105 wishes to receive from a media source 170. The preferences may include favorite topics, news, sports news, stock market, movie, music, health, games, and delivery information (e.g., time to download content, quality of service, transmission bandwidth). The user's personal information may include user's personal data such as name, age, address, billing address, payment information (e.g., credit card number, expiration date), subscription level, etc. The user 105 may enter the personal preference information directly. Alternatively, the preferences may be collected and deduced based on user's usage, history of receiving content, past preferences, etc. The user 105 may also provide preferences for content delivery such as time to download, desired quality of service, etc.²

The home device 120 is any device that can receive the content stored in the home server 110 via wired/ wireless connections or smart cards. The home device 120 allows the user 105 to view, retrieve, and interact with the personalized content delivered by an edge server 150³. A network/ broadband medium 140 provides a transmission means for the home server 140 exchange information with the edge server 150⁴.

An edge server 150 is a server that is at the edge of the network/ broadband medium 160 and 140. Typically the edge server 150 is physically close to the home server 110 or at the edge of the network 140 so that high speed transmission of personalized content can be done. The edge server 150 receives the personal preference information and delivery information from the home server 110 regarding a content the user 105 wishes to receive. The edge server 150 downloads a media content personalized to the user 105 based on the personal preference information at a time and manner provided by the delivery information.

The network/ broadcast medium 160 provides a medium or environment to allow the edge server 150 to receive media content 155 from the media source 170. The media source 170 may be any one of a web content 172, a television broadcast program 174, an

¹ See specification, page 3, paragraph [0012]; Figure 1.

² See specification, page 4, paragraph [0016]; Figure 1.

³ See specification, pages 4-5, paragraph [0017]; Figure 1.

⁴ See specification, page 5, paragraph [0018]

audio and/or video program 176, or other content 178 (e.g., electronic book, search engine). The media source 170 may be provided by a service provider.

The home server 110 includes a personalization engine 210, a content scheduler 220, a local storage 230, and a content manager 240⁵.

The personalization engine 210 creates the personal preference information from the user 105 regarding a content the user 105 wishes to receive. The personal preference information is represented in a description compatible with a content analyzer in the edge server 150⁶. The personalization engine 210 includes a deduction engine 212 and an input interface 214. The deduction engine 212 deduces the personal preference information based on the user's usage or history. The input interface 214 obtains the personal preference information provided directly by the user 105.

The content scheduler 220 receives part of the personal preference information from the personalization engine 210 to schedule several content-related events. The content scheduler 220 includes a delivery scheduler 222 and an upload scheduler 224. The delivery scheduler 222 schedules the delivery of the content from the edge server 150. The upload scheduler schedules the uploading of the personal preference information to the edge server 150⁷.

The local storage 230 stores or caches the content delivered from the edge server 150 in some form of storage. The local storage 230 then contains a cached content 235⁸.

The content manager 240 manages the cached content 235. The content manager 240 includes a retriever 242, an indexer 244, a distributor 246, a de-cryptor 248 and an archiver 252. The retriever 242 retrieves the cache content 235 from the local storage 230. The indexer 244 indexes the cache content according to pre-defined index structure to facilitate the retrieval or access. The distributor 246 distributes the retrieved cache content to the home device 140. The decryptor or decoder 248 decrypts or decodes the cache content using some pre-defined de-cryption or decoding procedure. The archiver 252 archives the cached content for easy accesses⁹.

⁵ See specification, pages 5-6, paragraph [0021]

⁶ See specification, page 6, paragraph [0022]

⁷ See specification, page 6, paragraph [0023]

⁸ See specification, pages 6-7, paragraph [0024]

⁹ See specification, page 7, paragraph [0025]

The edge server 150 includes a content analyzer 310, a content filter 320, a content assembler 330, and a content distributor 340¹⁰.

The content analyzer 310 analyzes the media content received from the media source 170 based a description compatible with the personal preference information from the user 105 regarding the content he or she wishes to receive¹¹. The content analyzer 310 includes at least one of a parser 312 and a metadata creator 314. The parser 312 parses the metadata embedded in the content. The metadata creator 314 creates a metadata associated with the content or a descriptor that is compatible with the descriptor or metadata in the personal preference information. When the content does not have or only has insignificant information on a descriptor, tag, or metadata, the metadata creator 314 creates or enhances the descriptor, tag, or metadata associated with the content¹².

The content filter 320 filters the content according to the personal preference information for delivery to the user. The content filter 320 includes a matcher 325 to match the descriptor/ tag/ metadata of the received media content 155 with the descriptor/ tag/ metadata in the personal preference information. Any content that does not match with the personal preference information is ignored or discarded. Those that satisfy the preference criteria or match with the personal preference information are sent to the content assembler 330¹³.

The content assembler 330 assembles the filtered content using the description into a packaged content according to the assembly criteria. The assembly criteria include a semantic topic and a subscription level. The semantic topic is related to the category or contextual information regarding the content. The subscription level refers to the class of service that the user is subscribed for¹⁴.

The content distributor 340 distributes the packaged content to the user based on the delivery information provided by the home server. The content distributor 340 may have interface with the network control system to configures the delivery or downloading accordingly¹⁵.

¹⁰ See specification, page 7, paragraph [0027]; Figure 3.

¹¹ See specification, pages 7-8, paragraph [0028]

¹² See specification, pages 7-8, paragraph [0028]

¹³ See specification, page 8, paragraph [0029]

¹⁴ See specification, page 8, paragraph [0030]

¹⁵ See specification, page 9, paragraph [0031]

The media content 155 includes a content 410 and a content descriptor or metadata 420. The content 410 is any content in any form. Examples of the content include a news article, a sports program, stock quotes, an entertainment event, a movie, a video clips, a music program, an audio program, an electronic book, and a game. The form of the content may be in digital or analog format.

The content descriptor or metadata 420 include any information that describes the content in a standardized form. The content descriptor/ metadata 420 is typically embedded within the content 410. The content descriptor/metadata 420 may contain: information on the creation and production processes of the content (e.g., title of the content, director, write, author), information related to the usage of the content, information on the storage features of the content (e.g., storage format, encryption, encoding, compression), structural information on spatial, temporal, or spatio-temporal components of the content, information about the low level features of the content (e.g., colors, textures, melody description), etc¹⁶.

The descriptor/ metadata 420 may follow some well known standards. Examples of these standards include a closed caption, a Resource Description Framework (RDF), motion picture expert group (MPEG)-7, TV-Anytime metadata, a Society of Motion Picture and Television Engineers (SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta¹⁷.

VI. ISSUES

The issues are:

(1) whether claims 10-13, 15, 19, 29-32, 34, 38, 48-51, 53 and 57 are anticipated under 35 U.S.C. §102(e) over U.S. Publication No. 2002/00549339 issued to McCormick et al. ("McCormick"),

(2) whether claims 1, 5, 6, 16, 20, 24, 25, 35, 39, 43, 44 and 54 are obvious under 35 U.S.C. §103(a) over McCormick in view of U.S. Patent No. 6,141,686 issued to Jackowski et al. ("Jackowski"),

¹⁶ See specification, page 9, paragraph [0034]

¹⁷ See specification, pages 9-10, paragraph [0035]

(3) whether claims 2, 7-9, 21, 26-28, 40 and 45-47 are obvious under 35 U.S.C. §103(a) over the combination of McCormick and Jackowski and further in view of U.S. Publication No. 2003/0061298 issued to Berman et al. (“Berman”),

(4) whether claims 3, 22 and 41 are obvious under 35 U.S.C. §103(a) over the combination of McCormick and Jackowski and further in view of U.S. Publication No. 2003/0037037 issued to Adams et al. (“Adams”),

(5) whether claims 4, 23 and 42 are obvious under 35 U.S.C. §103(a) over the combination of McCormick, Jackowski and Adams and further in view of U.S. Publication No. 2002/0152318 issued to Menon et al. (“Menon”),

(6) whether claims 14, 33 and 52 are obvious under 35 U.S.C. §103(a) over McCormick in view of Menon,

(7) whether claims 17, 18, 33, 36, 37 and 55 are obvious under 35 U.S.C. §103(a) over McCormick in view of U.S. Publication No. 2003/0197733 issued to Beauchamp et al. (“Beauchamp”), and

(8) whether claim 56 is obvious under 35 U.S.C. §103(a) over McCormick in view of Jackowski and further in view of Adams.

VII. GROUPING OF CLAIMS

Applicant contends that the claims of the present invention form into eight groups. Group 1 includes claims 10-13, 15, 19, 29-32, 34, 38, 48-51, 53 and 57; Group 2 includes claims 1, 5, 6, 16, 20, 24, 25, 35, 39, 43, 44 and 54; Group 3 includes claims 2, 7-9, 21, 26-28, 40 and 45-47; Group 4 includes claims 3, 22 and 41; Group 5 includes claims 4, 23 and 42; Group 6 includes claims 14, 33 and 52; Group 7 includes claims 17, 18, 36, 37 and 55; Group 8 includes claim 56.

VIII. ARGUMENTS

A. Claims 10-13, 15, 19, 29-32, 34, 38, 48-51, 53, 57 are not anticipated by McCormick.

In the Final Office Action dated April 7, 2004, the Examiner rejected claims 10-13, 15, 19, 29-32, 34, 38, 48-51, 53, 57 under 35 U.S.C. §102(e) as being anticipated by Publication No. US2002/00549339 issued to McCormick et al. ("McCormick") (final Office Action, page 2, paragraph 1). Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a prima facie case of anticipation. To anticipate a claim, the reference must teach every element of a the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

McCormick discloses a system for automated generation, testing and optimization of content, design and presentations. A research database is initialized and made available to the system (McCormick, page. 2, paragraph [0022]). The research database may include test samples of a prior output document and optionally a user profile including the response a particular user had prior to output document (McCormick, page. 2, paragraph [0022]). Input data are selected and filtered base on a set of selection and filter parameters in parameter database (McCormick, page. 3, paragraph [0025]).

McCormick does not disclose, either expressly or inherently, (1) a content analyzer to analyze a content to extract a description compatible with personal preference information, and (2) a content filter to filter the content according the personal preference information.

In the final Office Action dated April 7, 2004, the Examiner states that McCormick discloses the research database as a content analyzer. Applicant respectfully disagrees. The research database merely includes test samples or optionally a user profile. It does not analyze the content to extract a description. Items 204 and 205 in Figure 2 merely show

the steps of initializing the research database. Furthermore, McCormick merely discloses that input data are filtered based on filter parameters in a parameter database, not using the extracted description and the personal preference information. The parameter database stores all the settings that the system uses to generate an output document (McCormick, page 3, paragraph [0024]). Generating an output document includes selecting a right input, generating the output, and distributing the output (McCormick, page 3, paragraph [0024]). Therefore, the parameter database does not contain the extracted description and the personal preference information.

In the Final Office Action dated April 7, 2004, the Examiner states that "[i]n response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., it does not analyze the content to extract a description) are not recited in the rejected claims." (Final Office Action, page 23) Applicant respectfully disagrees.

Contrary to the Examiner's contention, these features are recited in the rejected claims. Independent Claims 10, 29, and 48 recite in part:

"a content analyzer to analyze a content.. to extract a description ..;
and a content filter ... to filter the content using the extracted
description..." (Claims 10 and 48, emphasis added.)
"analyzing a content.. to extract a description ..; and filtering the
content using the extracted description..." (Claim 29, emphasis
added.)

The Examiner further states that "[a]lthough the claims are interpreted in light of the specification, limitations from the specifications are not read into the claims", citing In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant respectfully disagrees.

First, the features recited by the Applicant are to provide the Examiner an opportunity to review the specification. Those are intended to help interpreting the claim language. They are not limitations read into the claims.

Second, the Examiner apparently misread Van Guens. In Van Guens, the claim in question recites a magnet assembly with a uniform magnetic field. The applicant in Van Guens argues that the uniform magnetic field limitation must be interpreted in light of the specification which discloses the magnetic field uniformity for NMR or MRI imaging. In

rejecting this argument, the Court states that the "short answer is that [the] claim ... is not expressly limited to NMR or MRI apparatus". In re Van Guens, 26 USPQ2d at 1059. The court further states that the applicant cannot read an NMR limitation into the claim to justify his argument as to the meaning of the uniform magnetic field. The Van Guens rule, therefore, is only applicable if the claim does not expressly recite the limitation. Here, the limitation of "analyzing the content to extract a description" is recited in the claim. It is not limitation read into the claims.

Other court decisions state that claims should be interpreted according to the specification. Claims should be interpreted consistently with the specification, which provides content for the proper construction of the claims because it explains the nature of the patentee's invention. Renishaw, 158 F.3d 1243, 48 USPQ2d 1117 (Fed. Cir. 1998). The Renishaw court explicitly states that when "a patent applicant has elected to be a lexicographer by providing an explicit definition in the specification for a claim term, .. the definition selected by the applicant controls." Renishaw, 48 USPQ2d 117, 1121. During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification". See MPEP 2111. "When the applicant states the meaning that the claim terms are intended to have, the claims are examined with that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art". In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 13320, 1322 (Fed. Cir. 1989). In In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969) the Court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from "reading limitations of the specification into a claim," to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim". See also In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ 2d 1023, 1027-28 (Fed. Cir. 1997) (The Court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would in interpreting claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.").

The limitation of “analyzing the content to extract a description” distinguishes the claimed invention from the cited prior art references. This limitation should be interpreted according to the specification as discussed above.

B. Claims 1-9, 14, 16-18, 20-28, 33, 35-37, 39-47, 52, and 54-56 are not obvious under 35 U.S.C. §103(a) over McCormick in view of Jackowski, Adams, Menon, and or Beauchamp.

In the final Office Action dated April 7, 2004, the Examiner rejected claims 1-9, 14, 16-18, 20-28, 33, 35-37, 39-47, 52, and 54-56 under 35 U.S.C. §103(a) as being unpatentable over McCormick in view of various combinations of U.S. Patent No. 6,141,686 issued to Jackowski et al. ("Jackowski"), U.S. Publication No. US2003/0037037 issued to Adams et al. ("Adams"), U.S. Publication No. US 2002/0152318 issued to Menon et al. ("Menon"), and U.S. Publication No. US 2003/0197733 issued to Beauchamp et al. ("Beauchamp"). Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a *prima facie* case of obviousness. As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP §2143, p. 2100-129 (8th Ed., Rev. 2, May 2004)*. Applicant respectfully contends that there is no suggestion or motivation to combine their teachings, and thus no *prima facie* case of obviousness has been established.

B1. Claims 1, 5, 6, 16, 20, 24, 25, 35, 39, 43, 44 and 54 are not obvious under 35 U.S.C. §103(a) over McCormick in view of Jackowski.

In the final Office Action dated April 7, 2004, the Examiner rejected claims 1, 5, 6, 16, 20, 24, 25, 35, 39, 43, 44 and 54 under 35 U.S.C. §103(a) as being unpatentable over McCormick in view of U.S. Patent No. 6,141,686 issued to Jackowski et al. ("Jackowski") (final Office Action, page 6, paragraph 2).

McCormick discloses a system for automated generation, testing and optimization of content, design and presentations, as discussed above in section A.

Jackowski discloses a client-side application-classifier gathering network-traffic statistics and application and user names using extensible-service provider plug-in for policy-based network control. A network controls traffic using policy rules. Edge device is a router, switch, gateway, modem or other network device to connect local network to the internet (Jackowski, col. 2, lines 51-56). Edge device is able to block or delay packets and may examine packets and apply policy rules to determine which packets to accelerate and which to delay (Jackowski, col. 2, lines 60-64).

McCormick and Jackowski, taken alone or in any combination, does not disclose, suggest, or render obvious (1) a personalization engine to create personal preference information compatible with a content analyzer in an edge server, and (2) a content scheduler to schedule delivery of content from the edge server and upload the personal preference information to the edge server.

There is no motivation to combine McCormick and Jackowski because none of them addresses the problem of personalized content delivery. There is no teaching or suggestion that delivery personalized content between an edge server and a home server is present. McCormick, read as a whole, does not suggest the desirability of personalize engine and content scheduler.

McCormick merely discloses a research database that may include test samples of a prior output document along with the parameters used to generate that output document, and optionally a user profile including the response a particular user had to the prior output document (McCormick, page 2, paragraph [0022]). Therefore, the research database is not the same as a personalization engine to create personal preference information.

Jackowski merely discloses an edge device to accelerate or delay a packet, not to analyze the content using personal information. Item 10 is merely a client personal computer (PC), not personal preference information. The edge device is used to block or delay packets to and from the Internet so that higher priority packets experience lower delay than lower priority packets (Jackowski, col. 2, lines 60-64). It does not contain a content analyzer that is compatible with a description representing personal preference information. Furthermore, Jackowski does not disclose or suggest a content scheduler. Jackowski merely discloses a policy server to send the policy rules to the edge device. The

bandwidth information is sent back from the edge device to the policy server to re-prioritize packets passing through the edge device (Jackowski, col. 2, lines 65-67 ;col. 3, lines 1-10). Re-prioritizing packets is not the same as scheduling delivery of content from the edge server.

B2. Claims 2, 7-9, 21, 26-28, 40 and 45-47 are not obvious under 35 U.S.C. §103(a) over the combination of McCormick and Jackowski and further in view of Berman.

In the final Office Action dated April 7, 2004, the Examiner rejected claims 2, 7, 8, 9, 21, 26-28, 40 and 45-47 under 35 U.S.C. §103(a) as being unpatentable over the combination of McCormick and Jackowski and further in view of Publication No. US 2003/0061298 issued to Berman et al. ("Berman") (final Office Action, page 11, paragraph 3).

McCormick and Jackowski are discussed above in sections A and B1.

Berman discloses a method and apparatus for minimizing inconsistency between data sources in a web content distribution system. A framework is used to distribute multiple content types. It may be used to move static content, to publish or present documents on websites, to manage cached dynamic content, and to distribute media files (Berman, col. 2, paragraph [0024]).

McCormick, Jackowski, and Berman, taken alone or in any combination, does not disclose, suggest, or render obvious (1) a personalization engine to create personal preference information compatible with a content analyzer in an edge server; (2) a content scheduler to schedule delivery of content from the edge server and upload the personal preference information to the edge server; (3) a local storage to cache the content delivered from the edge server; and (4) a content manager to manage the cache content.

There is no motivation to combine McCormick, Jackowski, and Berman because none of them addresses the problem of personalized content delivery. There is no teaching or suggestion that delivery personalized content between an edge server and a home server is present. McCormick, read as a whole, does not suggest the desirability of personalize engine and content scheduler.

McCormick and Jackowski, taken alone or in combination, does not disclose a personalization engine and/or a content scheduler as discussed above.

Berman merely discloses a framework to manage cached dynamic content in a Web content distribution system, not the personalized content delivered between an edge server and a home server. The content is merely stored in two temporary storage locations during a pull process when changes to the content may be made (Berman, page 3, paragraph [0039]). They are not used to cache the content delivered from the edge server. Furthermore, Berman does not disclose a content manager to manage the cache content.

B3. Claims 3, 22 and 41 are not obvious under 35 U.S.C. §103(a) over the combination of McCormick and Jackowski and further in view of Adams.

In the final Office Action dated April 7, 2004, the Examiner rejected claims 3, 22, 41 under 35 U.S.C. §103(a) as being unpatentable over the combination of McCormick and Jackowski and further in view of Publication No. US 2003/0037037 issued to Adams et al. ("Adams") (final Office Action, page 15, paragraph 4).

McCormick and Jackowski are discussed above in sections A and B1.

Adams discloses a method of storing, maintaining and distributing computer intelligible electronic data. The technique enables the user to import data of any type, analyze the contents, supply metadata information as required, search the database contents, and retrieve specific data fields and records (Adams, page 1, paragraph [0012]). An unstructured database stores, mainstreams, and distributes intelligible electronic data (Adams, page 2, paragraph [0025]). Typeless data storage is allowed such that rigid metadata characteristics are not imposed upon the incoming data (Adams, page 3, paragraph [0038]).

McCormick, Jackowski, and Adams, taken alone or in any combination, does not disclose, suggest, or render obvious (1) a personalization engine to create personal preference information compatible with a content analyzer in an edge server; (2) a content scheduler to schedule delivery of content from the edge server and upload the personal preference information to the edge server; and (3) the description being compatible with a metadata associated with the content.

There is no motivation to combine McCormick, Jackowski, and Adams because none of them addresses the problem of personalized content delivery. There is no teaching or suggestion that delivery personalized content between an edge server and a home server

is present. McCormick, read as a whole, does not suggest the desirability of personalizing engine and content scheduler.

McCormick and Jackowski, taken alone or in combination, does not disclose a personalization engine and/or a content scheduler as discussed above.

Adams merely disclosed allowing typeless data storage, not the metadata associated with the personalized content. Metadata is determined by analyzing the syntactic and semantic characteristics of the incoming data (Adams, page 3, paragraph [0032]). Therefore they are not associated with a content.

B4. Claims 4, 23 and 42 are not obvious under 35 U.S.C. §103(a) over the combination of McCormick, Jackowski and Adams and further in view of Menon.

In the final Office Action dated April 7, 2004, the Examiner rejected claims 4, 23, and 42 under 35 U.S.C. §103(a) as being unpatentable over the combination of McCormick, Jackowski, Adams and further in view of Publication No. US 2002/0152318 issued to Menon et al. ("Menon") (final Office Action, page 17, paragraph 5).

McCormick, Jackowski, and Adams are discussed above in sections A, B1 and B3.

Menon discloses a metadata enabled push-pull model for efficient low-latency video-content distribution over a network. Supplemental metadata elements may be added to provide optional features, capabilities, and performance. For video content in MPEG 7 format, metadata may be included with the file and extracted from it (Menon, page 8, paragraph [0070]).

McCormick, Jackowski, Adams, and Menon, taken alone or in any combination, does not disclose, suggest, or render obvious (1) a personalization engine to create personal preference information compatible with a content analyzer in an edge server; (2) a content scheduler to schedule delivery of content from the edge server and upload the personal preference information to the edge server; (3) the description being compatible with a metadata associated with the content; and (4) the metadata being one of a closed caption, a Resource Description Framework (RDF), motion picture expert group (MPEG)-7, TV-Anytime metadata, a Society of Motion Picture and Television Engineers (SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta.

There is no motivation to combine McCormick, Jackowski, Adams, and Menon because none of them addresses the problem of personalized content delivery. There is no teaching or suggestion that delivery personalized content between an edge server and a home server is present. McCormick, read as a whole, does not suggest the desirability of personalization engine and content scheduler.

McCormick and Jackowski, taken alone or in combination, does not disclose a personalization engine and/or a content scheduler as discussed above in section B1.

Menon merely discloses metadata included for video content in MPEG-7, not the metadata compatible with a description for use with a content analyzer. Furthermore, Menon merely discloses MPEG-7, not a closed caption, a Resource Description Framework (RDF), TV-Anytime metadata, a Society of Motion Picture and Television Engineers (SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta.

B5. Claims 14, 33 and 52 are not obvious under 35 U.S.C. §103(a) over McCormick in view of Menon.

In the final Office Action dated April 7, 2004, the Examiner rejected claims 14, 33 and 52 under 35 U.S.C. §103(a) as being unpatentable over McCormick in view of Menon (final Office Action, page 19, paragraph 6).

McCormick and Menon are discussed above in sections A and B4.

McCormick and Menon, taken alone or in any combination, does not disclose, suggest, or render obvious (1) a personalization engine to create personal preference information compatible with a content analyzer in an edge server; (2) a content scheduler to schedule delivery of content from the edge server and upload the personal preference information to the edge server; (3) the description being compatible with a metadata associated with the content; and (4) the metadata being one of a closed caption, a Resource Description Framework (RDF), motion picture expert group (MPEG)-7, TV-Anytime metadata, a Society of Motion Picture and Television Engineers (SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta.

There is no motivation to combine McCormick and Menon because none of them addresses the problem of personalized content delivery. There is no teaching or suggestion that delivery personalized content between an edge server and a home server is present.

McCormick, read as a whole, does not suggest the desirability of personalization engine and content scheduler.

McCormick does not disclose a personalization engine and/or a content scheduler as discussed above.

Menon merely discloses metadata included for video content in MPEG-7, not the metadata compatible with a description for use with a content analyzer. Furthermore, Menon merely discloses MPEG-7, not a closed caption, a Resource Description Framework (RDF), TV-Anytime metadata, a Society of Motion Picture and Television Engineers (SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta.

B6. Claims 17, 18, 36, 37 and 55 are not obvious under 35 U.S.C. §103(a) over McCormick in view of Beauchamp.

In the final Office Action dated April 7, 2004, the Examiner rejected claims 17, 18, 36, 37 and 55 under 35 U.S.C. §103(a) as being unpatentable over McCormick in view of U.S. Publication No. US 2003/0197733 issued to Beauchamp et al. (“Beauchamp”) (final Office Action, page 20, paragraph 7).

McCormick discloses a system for automated generation, testing and optimization of content, design and presentations, as discussed above in section A. Beauchamp discloses a dynamic process-based enterprise computing system and method. A process server may provide all services to the universal client (Beauchamp, page 10, paragraph [0094]). It may also manage access to the process definition. Processes may be defined using metadata. The process server may parse the metadata and store it in a relational database management system (Beauchamp, page 10, paragraph [0097]).

McCormick and Beauchamp, taken alone or in any combination, does not disclose, suggest, or render obvious (1) a personalization engine to create personal preference information compatible with a content analyzer in an edge server; (2) a content scheduler to schedule delivery of content from the edge server and upload the personal preference information to the edge server; and (3) the content analyzer including a parser to parse the metadata.

There is no motivation to combine McCormick and Beauchamp because none of them addresses the problem of personalized content delivery. There is no teaching or

suggestion that delivery personalized content between an edge server and a home server is present. McCormick, read as a whole, does not suggest the desirability of personalization engine and content scheduler.

McCormick does not disclose a personalization engine and/or a content scheduler as discussed above in section A.

Beauchamp merely discloses a process parser to parse the metadata used to define a process, not to associate with a personalized content. Furthermore, Beauchamp does not disclose a content analyzer that includes the parser.

B7. Claim 56 is not obvious under 35 U.S.C. §103(a) over McCormick in view of Jackowski and further in view of Adams.

In the final Office Action dated April 7, 2004, the Examiner rejected claim 56 under 35 U.S.C. §103(a) as being unpatentable over McCormick in view of Jackowski and further in view of Adams (final Office Action, page 22, paragraph 8).

McCormick, Jackowski, and Adams are discussed as above in section A, B1, and B3.

McCormick, Jackowski, and Adams, taken alone or in any combination, does not disclose, suggest, or render obvious (1) a personalization engine to create personal preference information compatible with a content analyzer in an edge server; (2) a content scheduler to schedule delivery of content from the edge server and upload the personal preference information to the edge server; and (3) a metadata creator to create a metadata associated with the content.

There is no motivation to combine McCormick, Jackowski, and Adams because none of them addresses the problem of personalized content delivery. There is no teaching or suggestion that delivery personalized content between an edge server and a home server is present. McCormick, read as a whole, does not suggest the desirability of personalization engine and content scheduler.

McCormick and Jackowski, taken alone or in combination, does not disclose a personalization engine and/or a content scheduler as discussed above.

Adams merely discloses a method to enable the user to input data of any type, analyze the contents, supply metadata information as required, search the database contents, and retrieve specific data fields, records, or the entire original data file (Adams,

page 1, paragraph [0012]). It is the user who supply the metadata information as required, not a metadata creator to create the metadata associated with the content.

IX. CONCLUSION

The Examiner failed to establish a *prima facie* case of anticipation in rejecting claims 10-13, 15, 19, 29-32, 34, 38, 48-51, 53, 57. The Federal Circuit stated that to anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). McCormick does not disclose, explicitly or inherently, (1) a content analyzer to analyze a content to extract a description compatible with personal preference information, and (2) a content filter to filter the content according the personal preference information.

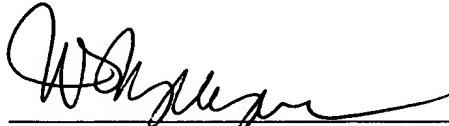
The Examiner failed to establish a *prima facie* case of obviousness and failed to show there is teaching, suggestion or motivation to combine the references in rejecting claims 1-9, 14, 16-18, 20-28, 33, 35-37, 39-47, 52, and 54-56. “When determining the patentability of a claimed invention which combined two known elements, ‘the question is whether there is something in the prior art as a whole suggest the desirability, and thus the obviousness, of making the combination.’” In re Beattie, Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 1462, 221 USPQ (BNA) 481, 488 (Fed. Cir. 1984). To defeat patentability based on obviousness, the suggestion to make the new product having the claimed characteristics must come from the prior art, not from the hindsight knowledge of the invention. Interconnect Planning Corp. v. Feil, 744 F.2d 1132, 1143, 227 USPQ (BNA) 543, 551 (Fed. Cir. 1985). “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or implicitly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” Ex parte Clapp, 227 USPQ 972, 973. (Bd.Pat.App.&Inter. 1985). In the present invention, the cited references

do not expressly or implicitly suggest (1) a personalization engine to create personal preference information compatible with a content analyzer in an edge server, and (2) a content scheduler to schedule delivery of content from the edge server and upload the personal preference information to the edge server. In addition, the Examiner failed to present a convincing line of reasoning as to why a combination of McCormick, Jackowski, Berman, Adams, Menon and Beauchamp is an obvious application of delivery and consumption of personalized content.

Applicant respectfully request that the Board enter a decision overturning the Examiner's rejection of all pending claims, and holding that the claims are neither anticipated or rendered obvious by the prior art.

Respectfully submitted,

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X. APPENDIX

The claims of the present application which are involved in this appeal are as follows:

1. (original) A home server comprising:
a personalization engine to create personal preference information from a user regarding a content, the personal preference information being represented in a description compatible with a content analyzer in an edge server; and
a content scheduler coupled to the personalization engine to schedule delivery of the content from the edge server and uploading of the personal preference information to the edge server.

2. (original) The home server of claim 1 further comprising:
a local storage to cache the content delivered from the edge server; and
a content manager coupled to the local storage to manage the cached content.

3. (original) The home server of claim 1 wherein the description is compatible with a metadata associated with the content.

4. (original) The home server of claim 3 wherein the metadata is one of a closed caption, a Resource Description Framework (RDF), motion picture expert group (MPEG)-7, TV-Anytime metadata, a Society of Motion Picture and Television Engineers (SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta.

5. (original) The home server of claim 1 wherein the personalization engine comprises:
a deduction engine to deduce the personal preference information based on user's usage.

6. (original) The home server of claim 1 wherein the personalization engine comprises:

an input interface to obtain the personal preference information provided by the user.

7. (original) The home server of claim 2 wherein the content manager comprises:

- a retriever to retrieve the cache content;
- an indexer to index the cache content; and
- a distributor to distribute the retrieved cache content to a device.

8. (original) The home server of claim 7 wherein the content manager further comprises:

- a decryptor to decrypt the cache content; and
- an archiver to archive the cached content.

9. (original) The home server of claim 7 wherein the device is one of a viewing device, a personal digital assistant (PDA), an audio visual device, a tablet, a personal computer, a set-top box, a digital television set, and a wireless device.

10. (previously presented) An edge server comprising:

- a content analyzer to analyze a content received from a media source to extract a description compatible with personal preference information from a user regarding the content, the personal preference information being provided by a home server; and
- a content filter coupled to the content analyzer to filter the content using the extracted description and the personal preference information for delivery to the user.

11. (original) The edge server of claim 10 further comprising:

- a content assembler to assemble the filtered content using the description into a packaged content according to an assembly criterion; and
- a content distributor coupled to the content assembler to distribute the packaged content to the user based on delivery information provided by the home server.

12. (original) The edge server of claim 10 wherein the media source is one of a Web content, a television broadcast, a media broadcast, a video program, an audio program, and an audio visual program.

13. (original) The edge server of claim 10 wherein the description is compatible with a metadata associated with the content.

14. (original) The edge server of claim 13 wherein the metadata is one of a closed caption, a Resource Description Framework (RDF), motion picture expert group (MPEG)-7, a TV-Anytime metadata, a Society of Motion Picture and Television Engineers (SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta.

15. (original) The edge server of claim 10 wherein the assembly criterion is one of a semantic topic and a subscription level.

16. (original) The edge server of claim 10 wherein the delivery information includes at least a scheduled time, a quality of service information, and a transmission bandwidth.

17. (original) The edge server of claim 13 wherein the content analyzer comprises:

a parser to parse the metadata.

18. (original) The edge server of claim 10 wherein the content analyzer comprises:

a metadata creator to create a metadata associated with the content.

19. (original) The edge server of claim 10 wherein the content filter comprises: a matcher to match the description with the personal preference information.

20. (original) A method comprising:

creating personal preference information from a user regarding a content, the personal preference information being represented in a description compatible with a content analyzer in an edge server; and

scheduling delivery of the content from the edge server and uploading of the personal preference information to the edge server.

21. (original) The method of claim 20 further comprising:
caching the content delivered from the edge server; and
managing the cached content.

22. (original) The method of claim 20 wherein the description is compatible with a metadata associated with the content.

23. (original) The method of claim 22 wherein the metadata is one of a closed caption, a Resource Description Framework (RDF), motion picture expert group (MPEG)-7, TV-Anytime metadata, a Society of Motion Picture and Television Engineers (SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta.

24. (original) The method of claim 20 wherein creating personal preference information comprises:
deducing the personal preference information based on user's usage.

25. (original) The method of claim 20 wherein creating personal preference information comprises:
obtaining the personal preference information provided by the user.

26. (original) The method of claim 21 wherein scheduling delivery comprises:
retrieving the cache content;
indexing the cache content; and
distributing the retrieved cache content to a device.

27. (original) The method of claim 26 wherein scheduling delivery further comprises:

decrypting the cache content; and
archiving the cached content.

28. (original) The method of claim 26 wherein the device is one of a viewing device, a personal digital assistant (PDA), an audio visual device, a tablet, a personal computer, a set-top box, a digital television set, and a wireless device.

29. (previously presented) A method comprising:
analyzing a content received from a media source to extract a description compatible with personal preference information from a user regarding the content, the personal preference information being provided by a home server; and
filtering the content using the extracted description the personal preference information for delivery to the user.

30. (original) The method of claim 29 further comprising:
assembling the filtered content using the description into a packaged content according to an assembly criterion; and
distributing the packaged content to the user based on delivery information provided by the home server.

31. (original) The method of claim 29 wherein the media source is one of a Web content, a television broadcast, a media broadcast, a video program, an audio program, and an audio visual program.

32. (original) The method of claim 29 wherein the description is compatible with a metadata associated with the content.

33. (original) The method of claim 32 wherein the metadata is one of a closed caption, a Resource Description Framework (RDF), motion picture expert group (MPEG)-7, a TV-Anytime metadata, a Society of Motion Picture and Television Engineers

(SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta.

34. (original) The method of claim 29 wherein the assembly criterion is one of a semantic topic and a subscription level.

35. (original) The method of claim 29 wherein the delivery information includes at least a scheduled time, a quality of service information, and a transmission bandwidth.

36. (original) The method of claim 32 wherein analyzing comprises: parsing the metadata.

37. (original) The method of claim 29 wherein analyzing comprises: creating a metadata associated with the content.

38. (original) The method of claim 29 wherein filtering comprises: matching the description with the personal preference information.

39. (original) A system comprising:
a media source to provide a media content;
an edge server connected to a network; and
a home server coupled to the edge server via the network, the home sever comprising:

a personalization engine to create personal preference information from a user regarding a content, the personal preference information being represented in a description compatible with a content analyzer in the edge server; and

a content scheduler coupled to the personalization engine to schedule delivery of the content from the edge server and uploading of the personal preference information to the edge server.

40. (original) The system of claim 39 further comprising:
a local storage to cache the content delivered from the edge server; and

a content manager coupled to the local storage to manage the cached content.

41. (original) The system of claim 39 wherein the description is compatible with a metadata associated with the content.

42. (original) The system of claim 41 wherein the metadata is one of a closed caption, a Resource Description Framework (RDF), motion picture expert group (MPEG)-7, TV-Anytime metadata, a Society of Motion Picture and Television Engineers (SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta.

43. (original) The system of claim 39 wherein the personalization engine comprises:

a deduction engine to deduce the personal preference information based on user's usage.

44. (original) The system of claim 39 wherein the personalization engine comprises:

an input interface to obtain the personal preference information provided by the user.

45. (original) The system of claim 40 wherein the content manager comprises:
a retriever to retrieve the cache content;
an indexer to index the cache content;
a distributor to distribute the retrieved cache content to a device.

46. (original) The system of claim 45 wherein the content manager further comprises:

a decryptor to decrypt the cache content; and
an archiver to archive the cached content.

47. (original) The system of claim 45 wherein the device is one of a viewing device, a personal digital assistant (PDA), an audio visual device, a tablet, a personal computer, a set-top box, a digital television set, and a wireless device.

48. (previously presented) A system comprising:
a media source to provide a media content;
a home server connected to a network; and
an edge server coupled to the home server via the network, the edge server comprising:

a content analyzer to analyze a content received from a media source to extract description compatible with personal preference information from a user regarding the content, the personal preference information being provided by a home server; and

a content filter coupled to the content analyzer to filter the content using the extracted description and the personal preference information for delivery to the user.

49. (original) The system of claim 48 further comprising:
a content assembler to assemble the filtered content using the description into a packaged content according to an assembly criterion; and
a content distributor coupled to the content assembler to distribute the packaged content to the user based on delivery information provided by the home server.

50. (original) The system of claim 48 wherein the media source is one of a Web content, a television broadcast, a media broadcast, a video program, an audio program, and an audio visual program.

51. (original) The system of claim 48 wherein the description is compatible with a metadata associated with the content.

52. (original) The system of claim 51 wherein the metadata is one of a closed caption, a Resource Description Framework (RDF), motion picture expert group (MPEG)-7, a TV-Anytime metadata, a Society of Motion Picture and Television Engineers

(SMPTE) metadata dictionary, a Dublin Core descriptor, and an European Broadcasting Union (EBU) P/meta.

53. (original) The system of claim 48 wherein the assembly criterion is one of a semantic topic and a subscription level.

54. (original) The system of claim 48 wherein the delivery information includes at least a scheduled time, a quality of service information, and a transmission bandwidth.

55. (original) The system of claim 51 wherein the content analyzer comprises: a parser to parse the metadata.

56. (original) The system of claim 48 wherein the content analyzer comprises: a metadata creator to create a metadata associated with the content.

57. (original) The system of claim 48 wherein the content filter comprises: a matcher to match the description with the personal preference information.